

By: Hinojosa

S.B. No. 787

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the amount of a surcharge assessed on conviction of  
3 certain offenses relating to the operating of a motor vehicle while  
4 intoxicated against the driver's license of certain persons who  
5 complete a drug court program or an alcohol or drug treatment  
6 program.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

8 SECTION 1. Section 708.102, Transportation Code, is amended  
9 by amending Subsection (b) and adding Subsections (e) and (f) to  
10 read as follows:

11 (b) Except as provided by Subsection (e), each ~~Each~~ year  
12 the department shall assess a surcharge on the license of each  
13 person who during the preceding 36-month period has been finally  
14 convicted of an offense relating to the operating of a motor vehicle  
15 while intoxicated.

16 (e) The department may not assess a surcharge on the license  
17 of a person convicted of an offense relating to the operating of a  
18 motor vehicle while intoxicated who:

19 (1) has not previously been convicted of an offense  
20 relating to the operating of a motor vehicle while intoxicated; and

21 (2) successfully completes a drug court program or an  
22 alcohol or drug treatment program, as required by the convicting  
23 court.

24 (f) If a person described by Subsection (e) is subsequently

1 convicted of an offense relating to the operating of a motor vehicle  
2 while intoxicated within a 36-month period after the successful  
3 completion of the program described by Subsection (e)(2):

4 (1) the department shall assess the appropriate  
5 surcharge on the person's license under Subsection (c) for that  
6 subsequent conviction; and

7 (2) the conviction for which the person was ordered to  
8 complete the program described by Subsection (e)(2) shall be  
9 considered a previous conviction for purposes of enhancement of the  
10 amount of the surcharge under Subsection (c)(1).

11 SECTION 2. The change in law made by this Act applies only  
12 to an offense committed on or after the effective date of this Act.  
13 An offense committed before the effective date of this Act is  
14 governed by the law in effect on the date the offense was committed,  
15 and the former law is continued in effect for that purpose. For  
16 purposes of this section, an offense was committed before the  
17 effective date of this Act if any element of the offense occurred  
18 before that date.

19 SECTION 3. This Act takes effect September 1, 2013.